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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,725	06/28/2006	Mauro Gelli	6729/PC'T	8558
6858 7590 04/19/2010 BREINER & BREINER, L.L.C. P.O. BOX 320160 ALEXANDRIA, VA 22320-0160				
EXAMINER KIM, SANG K				
ART UNIT 3654		PAPER NUMBER		
MAIL DATE 04/19/2010		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/581,725

Applicant(s)

GELLI ET AL.

Examiner

SANG KIM

Art Unit

3654

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 67-128 is/are pending in the application.
- 4a) Of the above claim(s) 76-85,88-109,118-123 and 125-128 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 67-75,86,87,110-117 and 124 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/1/10
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 67-71, 86-87, and 110-111 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perini et al., U.S. Patent No. 5979818.

Regarding claims 67-71 and 110-111, Perini '818 discloses a rewinding machine comprising a feed path for feeding web material N towards a winding system (see figures 1-13); an interruption member 43 to interrupt the web material at an end of winding of a log; a core feeder 67 to sequentially insert winding cores A into a channel 39 defined by a rolling surface (surface of 35) and a movable core feed member comprises a flexible member 150 with a plurality of belts running between at least two rollers 15, 152 within a closed path and arranged to contact with the core along the channel; wherein said interruption member is associated with said feed member 150 and wherein said interruption member 43 is arranged on a side of said feed path and said rolling surface (surface of 35), and wherein said interruption member 43 is timed to operate when the web material is to be severed, see figures 1-13.

Regarding claims 86-87, Perini '818 discloses a second winding roller 17 which defines with said first winding roller 15 a nip 19 for passage of the web material, see figures 1-13.

Perini '818 discloses the claimed invention except for placing the interruption member on an opposite side of the feed member and the rolling surface. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Perini '818, by placing the interruption member on an opposite side of the feed member and the rolling surface, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

Claims 72-75, 112-117 and 124 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perini et al., U.S. Patent No. 5979818, in view of Perini, U.S. Patent No. 4327877.

As stated above, Perini '818 shows the interruption member 43 with a surface for tearing the web material using the belts, see column 10, lines 14-21, and figure 13.

Perini '877 shows a rewinding machine with a suction box 30 which the web material N to tension and break, see figure 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the interruption member of Perini '818 by using a suction member as taught by Perini '877, in order to show that there are many different ways to tension and sever the web material and not limited to one particular way.

Response to Arguments

Claims 67, 72-73, 75, 110 and 112-113 have been amended.

Applicant's arguments with respect to claims 67, 72-73, 75, 110 and 112-113 have been considered but are moot in view of the new ground(s) of rejection as set forth above.

The added recitation that the interruption member is timed to operate when the web material is to be severed necessitated the new grounds of rejection as set forth above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 571-272-6947.

The examiner can normally be reached Monday through Thursday from 9:00 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Nguyen, can be reached on (571) 272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

4/12/10

/SANG KIM/

Primary Examiner, Art Unit 3654